

**THE STATE OF NEW HAMPSHIRE**  
**JUDICIAL BRANCH**  
<http://www.courts.state.nh.us>

Court Name: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
(if known)

**AFFIDAVIT AS TO MILITARY SERVICE**

I (WE) \_\_\_\_\_  
of \_\_\_\_\_ and State of \_\_\_\_\_

on oath depose and say that I am (we are) petitioner(s)/plaintiff(s) in the above-entitled action and set forth the following facts showing that, to the best of my (our) knowledge and belief:

- 1) The respondent(s)/defendant(s) \_\_\_\_\_  
is (are) not in the military or other service of the United States including in the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 and has (have) not been called by the governor to active duty for a period of 30 days or more as a member of the state guard or national guard or as a member of the militia within the meaning of RSA 10-C:2:

(Please state supporting facts, i.e., where respondent(s)/defendant(s) is (are) living, employed, or approximate age sufficient to show not in military service.)

\_\_\_\_\_  
\_\_\_\_\_

- 2) The respondent(s)/defendant(s) is (are) in the military or other service of the United States included in the provisions of the Soldiers' Civil Relief Act of 1940,\* or has (have) been called by the governor to active duty for a period of 30 days or more as member of the state guard or national guard or as a member of the militia within the meaning of RSA 110-C:2 to wit

(STATE WHAT BRANCH OF SERVICE, IF POSSIBLE.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date Signature of Petitioner / Plaintiff

State of \_\_\_\_\_, County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_

My Commission Expires \_\_\_\_\_  
Affix Seal, if any Signature of Notarial Officer / Title

\*Sec. 101(1) The terms "person in military service" and the term "persons in military service of the United States" as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service," as used in this Act shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

**[SEE INSTRUCTIONS ON PAGE 2]**

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**AFFIDAVIT OF MILITARY SERVICE**

**PURPOSE**

Pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, an Affidavit as to Military Service must be on file with the Court before a default judgment can be entered against the respondent. This is "to protect persons in military service against entry of default judgments without their knowledge and a respondent who enters an appearance is not entitled to benefits of said sections."

However, if the respondent is in the military, that fact is not an automatic defense to a claim. The court may find that respondent's military service does not affect his/her ability to defend the lawsuit or pay any judgment rendered.

**INSTRUCTIONS**

Please complete the Affidavit as to Military Service according to the instructions below and return to the Court immediately.

Complete the top portion of the form stating case name, case number, your name and defendant(s) name(s).

Then Complete either Section (1) or (2):

Section (1) is to be used if the defendant, to the best of your knowledge and belief, **IS NOT** in the military service. Explain why you believe that to be true.\*\*

Section (2) is to be completed if the defendant **IS** in the military service. State what branch of Service, if possible.

*This form must be signed in the presence of a Justice of the Peace or Notary Public.*

\*\*"Any person who shall make or use an affidavit, . . . knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000.00 or both."

Civil Relief Act of 1940, U.S.C.A. 50 App. Sec. 520